IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 19605 of 2007(H)

PETITIONER:

JOY M.V.,
H.C(V) 1538, NOW UNDER SUSPENSION, MARAYUR POLICE STATION, IDUKKI, RESIDING AT MAPPANCHERIL, CHELAD P.O., KOTHAMANGALAM.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:

1. **STATE OF KERALA,**
   REP. BY ITS CHIEF SECRETARY,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. **SUPERINTENDENT OF POLICE, IDUKKI.**
3. **CIRCLE INSPECTOR OF POLICE**
   (ENQUIRY OFFICER), ADIMALY, IDUKKI.
4. **DIVISIONAL FOREST OFFICER, MUNNAR.**
5. **RANGE OFFICER,**
   NERYAMANGALAM RANGE, NERYAMANGALAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P(C).No.19605 of 2007

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Dated this the 2nd day of August, 2007.

JUDGMENT

Petitioner's complaint is that a criminal case pending trial before the Judicial First Class Magistrate Court, Kothamangalam in a forest offence and that on the same set of facts, he is being proceeded with in Departmental proceedings. According to him, two parallel proceedings will cause prejudice to him in his defence.

2. Respondents in their statement have disputed the prayer of the petitioner. According to them, Rule 10 of the Kerala Police Departmental Inquiries Punishment and Appeal Rules, 1958 allow the Enquiry Officer to continue the oral enquiry while a crime case is pending against a delinquent in any court. Therefore they assert their right to proceed with the enquiry. Irrespective of this position, respondents have also stated that after completing the enquiry against the petitioner, final orders will be issued only after the criminal case has been decided by the Judicial First

Class Magistrate Court, Kothamangalam.

3. In my view, petitioner cannot be permitted to stall the Departmental action only on the ground of pendency of the criminal case. Since the respondents have undertaken not to pass final orders in the Departmental proceedings until the criminal case is disposed of, petitioner is not prejudiced to in any manner and that itself is a sufficient safeguard as far as he is concerned.

In the result, recording the statement of the respondents in their statement as mentioned above, I dispose of this Writ Petition.

Antony Dominic,
Judge.

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